

Exhibit K



Deposition of:
Robert Ritchie , Ph.D.

August 4, 2017

In the Matter of:
**In Re: Bard IVC Filters Products
Liability**

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1 fatigue cracks were growing is not unusual at all.
2 It's -- I haven't seen it in these filters before,
3 but it certainly happens in many other engineering
4 things.

5 The fact that they both result in a
6 fracture is a little bit puzzling unless explant, or
7 whatever happened to that fragment, happened
8 afterward.

9 Q. All right. Tell me about your comment
10 about the possible inclusion that's -- you've got
11 figure AA1.5.

12 A. Yeah, well, I mean, again, notwithstanding
13 doing -- you know, cutting the thing up, but
14 there -- there is slight indications here that there
15 was some kind of defect at the initiation point.

16 I'm not absolutely certain that it's there,
17 but inclusions are not uncommon in these materials,
18 and generally they initiate cracks. And without
19 cutting that out precisely, you can't be certain.

20 But I know -- I must have read Fasching's
21 report. I know that she --

22 THE REPORTER: I must have what?

23 THE WITNESS: I must have read Fasching's
24 report on this cuz I know she said that it was --
25 that she couldn't see a defect. And I'm not a

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1 hundred percent certain it's there, but --

2 MS. DALY: Okay.

3 THE WITNESS: But you don't need a defect,
4 of course, to initiate a fatigue crack, so ...

5 MS. DALY: Q. Okay. Is there a rate at
6 which any of the complications we've talked about
7 today -- tilt, caudal migration, perforation or
8 fracture -- is there a rate at which those
9 complications occur that you would find to be
10 acceptable as opposed to what you previously
11 described, these as being an unacceptable high rate?

12 A. Well, it's difficult for me to argue one
13 way or the other on that. All I would say is that
14 the only indications of rate that I've seen that
15 have been meaningful to me has been, again, in this
16 Potenski report where they talk about the rate of
17 these various adverse events with respect to the
18 Simonol [sic] filter.

19 THE REPORTER: Respect to the what?

20 THE WITNESS: The Simonol.

21 MS. DALY: Simon Nitinol.

22 THE WITNESS: Simon Nitinol filter, SNF.

23 And so since this is a predicate device
24 used by Bard to justify the clearance of the
25 recovery in the G2, the fact that these particular

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1 MR. SAELTZER: Objection. Vague.

2 MS. DALY: Q. -- true?

3 A. I do not have -- as you know, I don't have
4 a filter to look at in four of those five cases.

5 Q. Right.

6 A. But I have reports of events that have
7 taken place, such as migration and fracture and so
8 forth, which are entirely consistent with my
9 experience of looking at failed filters.

10 Q. Okay. I'm talking about -- talking surface
11 only for right now.

12 A. Okay. For surfaces.

13 Q. So you don't -- okay.

14 And in the Booker case, you don't see
15 anything on the surface in her filter that led
16 directly to a fracture, do you?

17 A. Well, as I said -- I mean, I think there's
18 a possibility that the -- that the leg filter failed
19 by a small defect. It's certainly sort of a
20 imperfection that you can see on the fracture
21 surface, but I'm not a hundred percent certain of
22 that without --

23 Q. And then with respect to electropolishing,
24 electropolishing would not have helped minimize
25 tilt, perforation or migration, true?